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ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/726,260	MEYERLE, HERBERT	
	Examiner	Art Unit	
	CHRISTOPHER BOSWELL	3673	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 November 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,7-9 and 12-18* is/are pending in the application.

4a) Of the above claim(s) *12 and 13* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,7-9 and 14-18* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *01 December 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-4, 7-9 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number 6,826,935 to Gokcebay et al., as applied above, in view of U.S. Patent Number 5,447,047 to Lin.

Gokcebay et al. disclose a locking cylinder for a door having a locking cylinder body (170), a knob (196) on the cylinder body (figure 1; the knob or handle extends from the cylinder body in a radial direction) for the outside of the door to be locked, a deactivation member (36) which is able to deactivate the knob so that opening of the door using the knob is not possible, the deactivation member is able to be electronically actuated (column 8, lines 3-32), and an access control means (the circuit that controls 36) in the locking cylinder body which in response to an authorized transponder signal (signal from 180) permits opening of the door by making it possible for a user to actuate the knob from outside of the door in order to open it, wherein the access control means comprises means for exchanging a wireless signal with a remote transponder (180) and a verification means for verifying whether or not the remote transponder is authorized (column 9, lines 7-35), wherein the remote transponder and the verification means are remote from one another and not in physical contact (figure 6), wherein the access control means

comprising electronic (the circuit that controls 36) and mechanical (conventional pin tumblers in the tumbler bores; figure 4A) elements is entirely located within the locking cylinder body, and a battery (column 5, lines 18-37) which is able to energize the access control means upon response of a request signal from the transponder, as in claim 1, as well as an engagement means (200) on the distal end of the lock cylinder. Gokcebay et al. does not disclose an engagement means having a drive mechanism and a take-off mechanism. Lin teaches an engagement means (5) for transmitting a movement as well as corresponding forces and/or moments, the engagement means having a drive mechanism (35) and a take-off mechanism (51), wherein the drive mechanism and the take-off mechanism are coupled via at least one a coupling element (351) which is configured to move in an axial direction between a first axial position (as shown in figure 5) in which the drive mechanism and the take-off mechanism are rotationally coupled together and a second axial position (as shown in figure 4) in which the drive mechanism and the take off mechanism are rotationally decoupled, the coupling element in such a manner that; in a decoupled state a movement of the drive mechanism causes a movement of the coupling element (via actuation of an authorized key), wherein the drive mechanism does not transmit a rotational force or a movement to the take off mechanism (figure 4) as the coupling element does not transmit a rotational movement (the coupling element does not couple the drive and take-off mechanisms in the decoupled state) and moves in an axial direction whereby axially movement of the coupling element prevents closure between the drive mechanism and the take off mechanism (figure 5) and wherein the movement of the coupling element is not sufficient for transmitting a movement of the drive mechanism to the take-off mechanism so that transmission of movement is allowed in the coupled state but not in the decoupled state (column 3, lines 13-

27), wherein the drive mechanism and take off mechanism are coupled via the coupling element in such a manner that in the decoupled state a rotational movement of the drive mechanism causes an essentially rotational movement (column 3, lines 13-27) of the coupling element and that in a coupled state a rotational movement of the drive mechanism essentially causes a rotational movement of the take-off mechanism, and a coupling mechanism (13) arranged to allow the axial movement of the coupling element between the first axial position and the second axial position (column 28-37), as in claim 16, as well as a locking element (33) configured to move radially between a first position and an engaged position (column 3, lines 13-27), as in claim 17, wherein the coupling mechanism is responsive to receipt of the electrical signal (column 2, lines 4-17), as in claim 18, in the same field of endeavor for the purpose of transmitting torque from the lock cylinder to a drive shaft of a handle assembly. All of the component parts are known in Gokcebay et al. and Lin. The only difference is the combination of the "old elements" into a single device by mounting them on a single chassis. Thus it would have been obvious to one having ordinary skill in the art to replace the drive mechanism of Gokcebay et al. with the engagement means in order to transmit torque from the lock cylinder to a drive shaft of a handle assembly as taught by Lin onto the lock cylinder in Gokcebay et al. and actuated by a receipt from the wireless signal, since the engagement means is in no way dependent on lock cylinder, and the engagement means could be used in combination with lock cylinder to achieve the predictable results of transmit torque from the lock cylinder to a drive shaft of a handle assembly.

Gokcebay et al. also disclose the lock body is adapted and sized to be introduced into a door (figure 1), as in claim 2, and where the deactivation member is adapted to deactivate the knob such that idle movement of the knob is possible or blocked (figure 1), as in claims 3 and 4.

Gokcebay et al. further disclose the access control means comprises a ferrite bar antenna (171) which is also located within the cylindrical lock body (figure 6), as in claim 7, as well as the access control means is adapted to communicate with a transponder (180) by means of an alternating magnetic field, as in claim 8, and protection means (the face plate of the lock cylinder) for protecting against drilling or tampering with the lock, as in claim 9.

Gokcebay et al. also disclose a door lock system having a locking cylinder having a lock body (170), a knob (196) on the cylinder body (figure 1; the knob or handle extends from the cylinder body in a radial direction) for the outside of the door to be locked, a deactivation member (36) which is able to deactivate the knob so that opening of the door using the knob is not possible, the deactivation member is able to be electronically actuated (column 8, lines 3-32), and an access control means (the circuit that controls 36) permits opening of the door by making it possible for a user to actuate the knob from outside of the door in order to open it, wherein the access control means comprising electronic (the circuit that controls 36) and mechanical (conventional pin tumblers in the tumbler bores; figure 4A) elements is entirely located within the locking cylinder body (figure 4), and a remote transponder (180) having means for exchanging a wireless data signal (via 180) comprising the transfer of information over a distance from a remote location which is not in physical contact with the access control means

(figure 6), wherein the access control means comprises means for exchanging a wireless signal with the remote transponder and a verification means (figure 6) for verifying whether or not the remote transponder is authorized (column 8, line 57-column 9, line 29), and a battery (column 5, lines 18-37) for energizing the access control means upon response of a request signal from the remote transponder, as in claim 14, as well as an engagement means (200) on the distal end of the lock cylinder. Gokcebay et al. does not disclose an engagement means having a drive mechanism and a take-off mechanism. Lin teaches an engagement means (5) for transmitting a movement as well as corresponding forces and/or moments, the engagement means having a drive mechanism (35) and a take-off mechanism (51), wherein the drive mechanism and the take-off mechanism are coupled a coupling element (351) in such a manner that in a decoupled state a movement of the drive mechanism causes a movement of the coupling element, wherein the movement of the coupling element is not sufficient for transmitting a movement of the drive mechanism to the take-off mechanism so that transmission of movement is allowed in the coupled state but not in the decoupled state (column 3, lines 13-27), wherein the drive mechanism and take off mechanism are coupled via the coupling element in such a manner that in the decoupled state a rotational movement of the drive mechanism causes an essentially rotational movement (column 3, lines 13-27) of the coupling element and that in a coupled state a rotational movement of the drive mechanism essentially causes a rotational movement of the take-off mechanism, in the same field of endeavor for the purpose of transmitting torque from the lock cylinder to a drive shaft of a handle assembly. All of the component parts are known in Gokcebay et al. and Lin. The only difference is the combination of the "old elements" into a single device by mounting them on a single chassis. Thus it would have been obvious to one

having ordinary skill in the art to replace the drive mechanism of Gokcebay et al. with the engagement means in order to transmit torque from the lock cylinder to a drive shaft of a handle assembly as taught by Lin onto the lock cylinder in Gokcebay et al., since the engagement means is in no way dependent on lock cylinder, and the engagement means could be used in combination with lock cylinder to achieve the predictable results of transmit torque from the lock cylinder to a drive shaft of a handle assembly.

Gokcebay et al. further disclose a method for securing a locking cylinder for a door by providing a lock body being of generally cylindrical shape and being capable of being introduced into a door (170), providing a knob for the outside of the door to be locked, the knob being able to be actuated from the outside of the door in order to open the door from the outside (196) on the cylinder body (figure 1; the knob or handle extends from the cylinder body in a radial direction), providing a deactivation member (36) which is able to deactivate the knob so that it cannot be actuated in order to open the door from the outside, providing an access control means (the circuit that controls 36) which in response to a signal of an authorized remote transponder (180) permits opening of the door by making it possible for the user to actuate the knob from the outside of the door in order to open it, wherein the access control means comprises means for exchanging wireless signal comprising the transfer of information over a distance from a remote device (180) which is not in physical contact with the remote transponder (figure 6), and without the use of electrical conductors with the remote transponder (180) and a verification means for verifying whether or not the remote transponder is authorized (figure 6), providing the access control means entirely within the cylindrical lock body (figure 4), the access control means

comprising electronic (the circuit that controls 36) and mechanical elements (conventional pin tumblers in the tumbler bores; figure 4A), providing a battery (column 5, lines 18-37) for energizing the access control means upon response of a request signal from the remote transponder, as in claim 15, as well as an engagement means (200) on the distal end of the lock cylinder. Gokcebay et al. does not disclose an engagement means having a drive mechanism and a take-off mechanism. Lin teaches an engagement means (5) for transmitting a movement as well as corresponding forces and/or moments, the engagement means having a drive mechanism (35) and a take-off mechanism (51), wherein the drive mechanism and the take-off mechanism are coupled a coupling element (351) in such a manner that in a decoupled state a movement of the drive mechanism causes a movement of the coupling element, wherein the movement of the coupling element is not sufficient for transmitting a movement of the drive mechanism to the take-off mechanism so that transmission of movement is allowed in the coupled state but not in the decoupled state (column 3, lines 13-27), wherein the drive mechanism and take off mechanism are coupled via the coupling element in such a manner that in the decoupled state a rotational movement of the drive mechanism causes an essentially rotational movement (column 3, lines 13-27) of the coupling element and that in a coupled state a rotational movement of the drive mechanism essentially causes a rotational movement of the take-off mechanism, in the same field of endeavor for the purpose of transmitting torque from the lock cylinder to a drive shaft of a handle assembly. All of the component parts are known in Gokcebay et al. and Lin. The only difference is the combination of the "old elements" into a single device by mounting them on a single chassis. Thus it would have been obvious to one having ordinary skill in the art to replace the drive mechanism of Gokcebay et al. with the engagement means in order to

transmit torque from the lock cylinder to a drive shaft of a handle assembly as taught by Lin onto the lock cylinder in Gokcebay et al., since the engagement means is in no way dependent on lock cylinder, and the engagement means could be used in combination with lock cylinder to achieve the predictable results of transmit torque from the lock cylinder to a drive shaft of a handle assembly.

Response to Arguments

Applicant's arguments filed November 10, 2009 have been fully considered but they are not persuasive.

In response to the argument that Gokcebay et al. does not disclose a wireless communication occurring between two spaced apart devices which are not in physical contact with each other and do not use wiring therebetween, the examiner respectfully disagrees. As clearly shown in figure 6 and disclosed in column 8, line 57-column 9, line 29, the remote transponder is spaced apart from the access control means and the two are not in physical contact with each other and do not use wiring therebetween

Regarding the argument that the applicant alleges that there is no rejection for claims 16-18, the examiner directs attention to the body of the 35 USC 103 (a) rejection for claim 1, where the rejection for the aforementioned claims are clearly labeled.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER BOSWELL whose telephone number is (571)272-7054. The examiner can normally be reached on 9:00 - 4:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (571) 272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Peter M. Cuomo/
Supervisory Patent Examiner, Art Unit 3673

Christopher Boswell
Examiner
Art Unit 3673

CJB /cb/
January 5, 2010